

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

BARBARA ANN KELLY

v.

OFFIT KURMAN, P.A.

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Civil No. CCB-17-3668

ORDER

Before the court is the defendant's motion for leave to file a surreply in response to the plaintiff's motion for disqualification of counsel (ECF 42) and the opposition and reply thereto; the plaintiff's motion for enlargement of time to file a reply in support of her motion for disqualification (ECF 39) and the plaintiff's amended motion for enlargement of time (ECF 44). Having considered these motions, the court rules as follows.

The defendant's motion for leave to file a surreply (ECF 42) is Granted. The plaintiff presents, for the first time in her reply, documentary evidence she alleges will show a client relationship between her and Mr. Gittins in relation to the credit agreement at issue in this case. The defendant's surreply will be permitted to allow the defendant to contest this previously undisclosed evidence. *See Khoury v. Meserve*, 268 F. Supp. 2d 600, 605 (D. Md. 2003), *aff'd*, 85 F. App'x 960 (4th Cir. 2004) ("Surreplies may be permitted when the moving party would be unable to contest matters presented to the court for the first time in the opposing party's reply.").

As for the plaintiff's motions for enlargement of time, her request for a three-day extension of time to file her reply in support of her motion for disqualification (ECF 39) remains unopposed and is Granted. The court reiterates, however, that the plaintiff has continued to delay deadlines in this litigation and advises the plaintiff to make her filings timely, consistent with the Local Rules and any deadlines ordered by the court. The plaintiff also filed an amended

motion for enlargement of time (ECF 44) to “reflect the defendant’s consent.” The emails the plaintiff attaches to the motion include requests by the plaintiff to defense counsel for an extension but do not reflect the defendant’s consent. This motion is Denied as moot. Along with her amended motion for enlargement of time the plaintiff also filed an amended reply (ECF 45) which adds additional new arguments in support of her motion for disqualification. Because this amended reply was not served on the defendant until after its motion for leave to file a surreply was filed, the defendant has not been able to address those arguments and the court will not consider them. Further, the court will permit no additional briefing regarding the plaintiff’s motion for disqualification.

So Ordered this 26th day of January, 2021.

/S/
Catherine C. Blake
United States District Judge